

## Petersfield Voluntary Care Group

### Data Protection Policy & Procedure

The Petersfield Voluntary Care Group recognises that colleagues need to collect and use certain types of information (personal data) about individuals and organisations in order to carry out our work. We recognise our duty of care to use this information lawfully and fairly. We understand that this personal information/data must be collected and dealt with appropriately whether is collected on paper, stored in a computer database, or recorded on other material and there are safeguards to ensure this under the General Data Protection Regulation 2018 (GDPR), and the Data Protection Act 2018 (The Act).

#### Personal Data

Personal data is anything that identifies a living person such as:

- Name, address, telephone number, email address
- Financial information
- National insurance number
- Birth certificate, passport, driving licence
- CCTV images, voice recordings
- Sensitive details - religion, ethnic origin, health records, politics, trade union membership, genetics, biometrics (for ID purposes), sex life or sexual orientation\*

\*The Group understands that the above named sensitive details are subject to additional conditions that need to be applied before we can use them. Explicit consent is usually needed before we can share these details or pass them onto others, but we do not normally have them.

There are times when our duty of care requires that we do share personal data i.e. if an assessment of risk to an individual has been identified. The Group understands that it does not matter how data is obtained; information provided via the internet, email, social media, post/written comments can all be classed as personal data.

#### Why and How Data Is Held

The Group works in co-operation with Winton House Centre who receive requests for transport from members of the public and have access to information about transport requests, contact details of Co-ordinators and Drivers and clients which are used only for purposes directly connected with the Group's operations (e.g. resolving enquiries or concerns about particular transport requests). WHC also provide services in relation to the practical administration of the services offered. Most information held by the Group relates to community organisations, volunteers, committee members and clients. The Group is clear on the legitimate/lawful need for recording and maintaining the personal information for individuals i.e. we the group cannot undertake the activity on behalf of our client or volunteers without this information. **(See Annex 1 Legitimate Interest factsheet)**

In order to comply with the principles of GDPR, we understand that personal information about individuals, whether on a computer or on paper, falls within the scope of data protection and must comply with the principles for data protection.

Personal data must be:

- Obtained and processed fairly and lawfully
- Held only for specified legitimate purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Kept secure and protected
- Not kept longer than necessary for legitimate purpose and destroyed securely by burning or shredding
- Processed in accordance with the Act

## Data Processing

The data processor is any individual who is recording and working with personal data. Data processing includes:

- Recording and updating personal details
- Recording information from telephone calls
- Reviewing/reading a file/document (paper or electronic)
- Storing/archiving/destroying a file/document (paper or electronic)
- Discussing any action that needs to be taken
- Creating/receiving emails or other correspondence

All processing has to meet at least one of a set of 6 conditions called 'legal bases':

- Consent of the data subject
- In connection with the transport arrangements
- In order to comply with the law
- In an individuals 'vital interests'
- In the public interest
- In your 'legitimate interests'.

## Personal data communication

The Group understands that we the group have a legitimate interest to capture personal data for our volunteers and clients, and that this can be demonstrated (i.e. help cannot be given without the capture of the contact details for a volunteer or client). The key points of why we need to hold their personal data need to be pointed out to an individual. The co-ordinator will draw the attention of the client with an oral short hand privacy notice (*see Annex 2A*), and we will provide the individual with a Full Privacy Notice when requested. (*See Annex 3*). A data subject can challenge this legitimate interest and if this occurs, the Group will need to provide compelling reasons for keeping this data. The Group understands that we must be clear on our legitimate interest and that at no time must this override the fundamental rights and freedoms of the data subject.

## Privacy Notices

The Group will ensure that every data subject is made aware of how to access a Full Privacy Notice, which explains the legitimate interest/lawful basis for maintaining our clients and volunteers personal data, our data retention period and that individuals have a right to complain to the Information Commissioners Office (ICO) if they think there is a problem with the way we are handling their data. This Full Privacy Notice will enable us to identify ourselves to individuals and how we intend to use their personal data. The Group will also use shorter privacy notices, as appropriate. (*See Annexes 2, 2A & 3*)

## Rights Of An Individual (Data Subject)

We the Group understand that under the new GDPR rules, all individuals will have new rights in relation to how their personal information is processed and held by organisations and that some of their existing rights will be strengthened.

These rights now include:

**Right to be informed** The Group understands that we will inform individuals of our intention to process and hold their personal information. We understand that we will also need to tell individuals why we wish to hold their personal information, where it will be stored and for how long. We will also need to advise individuals of their rights and who they can contact for more information on their rights under GDPR. We will make use of both short hand and longer versions to inform individuals of their rights. *(See Annex 2, 2A & 3)*

**Right of access** The Group understands that individuals now have the right to access the personal information that we already hold on them. We will ensure that we follow a Subject Access Request (SAR) procedure to supply a copy of an individual's personal information within **a month**. *(See Annex 4)*

**Right to be forgotten** The Group understands that individuals will now have the right to request that we delete their personal information without undue delay. We understand that we may also have to notify third parties (such as public sector or other voluntary organisations) of the individuals request to be forgotten.

**Right to rectification** The Group understands that individuals will now have the right to have inaccurate personal information held about them rectified without undue delay.

**Right to object to processing of personal information by a group** The Group understands that an individual has the right to object to processing on the basis of their particular situation, in addition to the right to object to direct marketing. The group does not undertake such activities.

**Right to complain to the 'supervisory authority'** The Group understands that an individual has the right to complain to the ICO (the Information Commissioner) Office and have this complaint investigated.

## Subject Access Requests

The Group understands that a 'Subject' (sometimes also known as a 'Data Subject') is a person – an employee, a volunteer, client or trustee/committee member who can be identified. We understand that this 'Subject' may request access to data that is held about them and they have a right to know what we have and to see it. We understand that procedures already in place should be updated and a plan made on how to handle requests taking into account the new GDPR rules:

- In most cases the Group will not be able to charge for complying with a request
- The Group will have **a month** to comply
- The Group can refuse or charge for requests that are manifestly unfounded or excessive
- If the Group refuses a request, the individual must be told why and that they have the right to complain to the supervisory authority and to a judicial remedy
- The individual will need to prove who they are *(See Annex 4)*

## Reporting Data Breaches Under GDPR

The Group understands that if data is accidentally or deliberately lost or shared, this is called a data breach. We understand that we will regularly review the procedures we have in place to detect, investigate and report a personal data breach. We understand that anybody can make a mistake but that it is the duty of an individual who is responsible for a breach to report this immediately to the relevant person.

We understand that GDPR has now introduced a duty to report data breaches to the Information Commissioners Office (ICO). The Group will notify Good Neighbours Network Hub staff, in addition to the ICO within **72 hours** (or explain why we are late) if a data breach has been identified where it results in a risk to the rights of the individual. The Group understands that failing to report a data breach within **72 hours** (or explain why we are late) could mean that we could be fined. The Group understands that a breach of security is anything that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise.

We understand that there are fines for **not** reporting and that they apply now to all organisations not just government organisations, so it is important that we report any breach swiftly should it happen. We understand that we should assess the types of personal data we hold and document where we will be required to notify the ICO or affected individuals if a breach occurs.

### Examples of Data Breaches Can Include:

- Loss or theft of data or equipment
- Inappropriate access controls allowing unauthorised use
- Equipment failure
- Human error
- Unforeseen circumstances
- Hacking
- 'Blagging' offences where information is obtained by deceiving the organisation who holds it

### Keeping Records

We will ensure that all colleagues are committed to ensuring data protection responsibilities are actioned and reviewed on a regular basis and that we view data protection as an integral part of all project planning and meetings. The Group will ensure that we take appropriate measures to comply with and importantly to demonstrate that we are complying with data protection law. We will ensure that we only keep personal data for as long as we need it to undertake our activities.

These will include:

- Setting up all new project/reviewing existing projects with data protection focus
- Team meeting minutes where data protection discussed
- Staff induction, supervision and training
- Records of monitoring, audits and reviews
- Records of incidents (how handled and what was learned)

**Policy adopted on (date)**.....

**Date for review**.....

**Name** .....

**Signed** .....

## Annex 1

### Fact Sheet: Legitimate Interest

Legitimate interest is the most flexible lawful basis to process data, however there should be no assumptions on its use. Legitimate interest is used when using data in a way that people would reasonably expect, when there is minimal privacy impact and when there is a compelling justification to process.

#### **POLICY**

If relying on legitimate interests, there is extra responsibility for considering and protecting individuals rights.

There are three steps to using legitimate interest as a basis for data processing:

- Identify the legitimate interest (i.e. Groups cannot undertake their activities without their clients and volunteers personal information)
- Show that the processing is necessary to achieve it
- Balance this against the individuals rights

The legitimate interests could be to your interests or for wider societal benefit and any processing must be necessary. Legitimate Interest does not apply if results can be achieved in another less intrusive way. Keep a record of the reasons for legitimate interest and include the legitimate interests in privacy notices.

#### **Check that:**

- You have ascertained that legitimate interest is the most appropriate basis
- You are clear on your responsibilities for the individuals interests
- You have identified the legitimate interest
- You are sure that the processing is necessary and there is no less intrusive way to achieve the same result
- You have done a balancing test, and are confident that the individual's interests do not override those legitimate interests
- You only use individuals' data in ways they would reasonably expect, unless we have a very good reason
- You are not using people's data in ways they would find intrusive or which could cause them harm, unless you have a very good reason
- You have considered safeguards to reduce the impact where possible
- You keep this under review
- You include information about your legitimate interests in your privacy notices

## **Annex 2**

### **Petersfield Voluntary Care Group**

#### **Short Hand Privacy Notice**

The Petersfield Voluntary Care Group takes data protection and information security seriously. We will therefore only use your personal information for the purpose of undertaking our activity on your behalf.

We will only hold your personal information manually and/or electronically for the length of time that we are required to do so for legal reasons.

Your personal information will only be disclosed to group members, so that we can undertake the Group's activities.

Occasionally, we might need to share your personal information for referral, signposting or safeguarding purposes with other voluntary organisations or public authorities. We will only share your personal information with third parties outside the Group with your permission or if we are legally required to disclose it.

If you require further information on our Group's intentions to hold your personal information and your rights in relation to this, then we can send you a copy of the Full Privacy Notice.

## **Annex 2A**

### **Petersfield Voluntary Care Group**

#### **Oral Short Hand Privacy Notice**

Are you happy that we keep your details so we can arrange transport for you?

## Annex 3

### Petersfield Voluntary Care Group Full Privacy Notice

**Your personal information – what is it?** Personal information (personal data) is anything that can identify an individual. The processing of personal information is governed by the General Data Protection Regulation (the GDPR) and the Data Protection Act 2018.

**Who are we?** The Petersfield Voluntary Care Group is part of the Good Neighbours Network that comprises over 120 Good Neighbours groups across Hampshire. We support people who need help in their local community. Our group is the data controller with responsibility for processing this personal information.

**How does our Group process your personal information?** The Group complies with our obligations under GDPR by keeping your personal information up to date; by storing and destroying it securely either manually or electronically; by not collecting or retaining excessive amounts of personal information; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that processes are in place to protect your personal information.

**What is the legitimate interest (lawful basis) for processing your personal information?** The Group processes your personal information so that we can help you with the offered group activity.

**Sharing your personal information** Your personal information will be treated as confidential by the Group and will only be shared with other group members, so that our Group can undertake its activities in the community. There may be instances where we share your personal details with a voluntary organisation or public authority for referral or signposting purposes or if there is a safeguarding issue. We will only share your personal information with third parties outside the group with your permission or if we are legally required to disclose it.

**How long do we keep your personal information?** The Group will keep your personal information for as long as you are part of the Group.

**Your rights and your personal information** Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal information:

- The right to request a copy of personal information that the Group holds about you
- The right to request personal information found to be inaccurate/out of date is corrected
- The right to request your personal information is erased where it is no longer necessary for the group to retain such data
- The right to withdraw your consent to the processing at any time
- The right to request that the group provides you with your personal information
- The right where there is a dispute in relation to the accuracy or processing of your personal information, to request a restriction is placed on further processing
- The right to object to the processing of personal information (where applicable)
- The right to lodge a complaint with the Information Commissioner's Office

**Contact Details** To exercise your individual rights under the GDPR, or to get in touch with us with any queries or complaints, please contact the Chairman, PVCG at Winton House Centre, 18 High Street, Petersfield, Hampshire GU32 3JL or via (01730 266046). Alternatively, you can contact the Information Commissioner's Office on 0303 123 1113.

## Annex 4

### Petersfield Voluntary Care Group

### Subject Access Request Form

#### 1. Personal Details

Name:	
Address:	
Postcode:	
NI number	
Date of birth	
Telephone Number:	

#### 2. Are you the subject of the access request (i.e. the person on whom the information is held)?

<b>Yes:</b>	<p><b>If you are the Data Subject:</b> Please complete and return this form along with evidence of your identity, e.g. driving licence, birth certificate, a recent utility bill in your name and address (or photocopy) and a stamped addressed envelope for the document to: The Petersfield Voluntary Care Group Winton House Centre 18 High Street Petersfield Hants GU32 3JL</p>
<b>No:</b>	<p><b>Are you acting <i>on behalf of</i> the Data Subject with their written authority? If so:</b> Please complete and return this form along with the written and signed authority of the data subject to the address above. <b><i>(Please complete all the following questions)</i></b></p>

#### 3. Details of the Data Subject *(if different to those given in question 1)*

Name:	
Address:	
Postcode:	
NI number	
Date of birth	

#### 4. Relationship to the Data Subject *(Please briefly describe your relationship with the Data Subject that leads you to make this request for information, e.g. Legal Advisor, Spouse, etc. Please provide supporting evidence.)*

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**5. Information required:** *(Please be as specific as you can in describing the information you would like to obtain, together with any other relevant information. This will help us to identify the information you require. For example "Information relating to donations made between 2004 and 2006")*

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**Declaration**

*I certify that the information given on this application form is true and that any attempt to mislead, may result in legal proceedings against me. I understand that it is necessary for the organisation to confirm my/the Data Subject's identity and it may be necessary to obtain more detailed information in order to locate the correct information. I understand that the response period of a month, stipulated in the Act, will not commence until the Petersfield Voluntary Care Group is satisfied upon these matters.*

<b>Signature:</b>	
<b>Print name:</b>	
<b>Date:</b>	

Subject access request checklist:

- Have you included evidence of your identity?
- Have you included evidence of the Data Subject's identity (if different from above), evidence of your relationship with them and their written consent?
- Have you included a stamped addressed envelope for return of proof of identity/authority documents

*If the information contains details of another person we may need to seek their consent before we can provide that information to you. Please note that you may make a request for your data without completing this form; this must be in writing. If you do not use the form please provide all of the information requested above as this is needed to process your request and missing information could result in a delay to the start of that process.*